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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,839	08/17/2006	John W. Moore	OPTI-0125	2804
23377 7590 01/29/2008 WOODCOCK WASHBURN LLP CIRA CENTRE, 12TH FLOOR 2929 ARCH STREET PHILADELPHIA, PA 19104-2891			EXAMINER HARDEE, JOHN R	
			ART UNIT 1796	PAPER NUMBER
			MAIL DATE 01/29/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/589,839	Applicant(s) MOORE ET AL.	
	Examiner John R. Hardee	Art Unit 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 7 and 11-14 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6, 8-10 and 15-36, elected invention only is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>04102007</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

- 1. This application is in condition for allowance except for the following formal matters:**

Election/Restrictions

2. Applicant's election with traverse of Groups II, B and a in the reply filed on December 8, 2007 is acknowledged. The traversal is on the ground(s) that the examiner has not followed the criteria put forth in MPEP Chapter 8. This is not found persuasive because the restriction was made on the basis of lack of unity; the criteria of MPEP Chapter 8 are not applicable. The examiner has offered to rejoin Groups A, B, and C if applicant were to admit on the record that these are obvious variants. As applicant has so far declined to do so, this contradicts applicant's assertion that these groups could be readily searched together, as applicant must not expect them to be disclosed together in the literature as equivalents.

The requirement is still deemed proper and is therefore made FINAL.

3. Claims 7 and 11-14 are withdrawn from consideration as being drawn to inventions non-elected without traverse. The remaining claims were searched and examined only to the extent that they read on the elected invention. *No claims can pass to issue until all non-elected subject matter is deleted from the claims.*
4. Applicant is correct: claims 1-36 are pending.

Allowable Subject Matter

5. Claims 1-6, 8-10 and 15-36 are allowed, to the extent that they read on the elected invention.

6. The following is a statement of reasons for the indication of allowable subject matter: The closest prior art of record is WO 2004/044115; Altmann et al., US 2005/0015888 A1 and Detering et al., US 7,141,077. All of these references provide motivation to make a composition comprising a fatty acid quaternary ammonium compound having amide functionality and a water soluble polyorganosiloxane having at least about 5% by weight of non-terminal hydroxyl groups, based on the total weight of substituents. However, none of these references provides motivation to add a bleach.

7. **Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).**

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any prior art made of record and not relied upon is of interest and is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to the examiner, Dr. John R. Hardee, whose telephone number is (571) 272-1318. The examiner can normally be reached on Monday through Friday from 8:00 until 4:30. In the event that the examiner is not available, his supervisor, Mr. Harold Pyon, may be reached at (571) 272-1498.

Art Unit: 1796

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "J. Hardee", is positioned above the printed name.

John R. Hardee
Primary Examiner
January 24, 2008